

立法會
Legislative Council

LC Paper No. CB(2)1117/06-07
(These minutes have been
seen by the Administration)

Ref : CB2/BC/8/04

**Bills Committee on
Building Management (Amendment) Bill 2005**

**Minutes of meeting
held on Friday, 12 January 2007, at 8:30 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon James TO Kun-sun (Chairman)
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon Albert CHAN Wai-yip
Hon LI Kwok-ying, MH, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
- Members absent** : Hon Albert HO Chun-yan
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon Andrew CHENG Kar-foo
Hon Abraham SHEK Lai-him, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon TAM Heung-man
- Public Officers attending** : Home Affairs Department
Mr Isaac CHOW
Deputy Director of Home Affairs (2)
Mrs Angelina CHEUNG
Assistant Director of Home Affairs (4)

Department of Justice

Mr Michael LAM
Senior Government Counsel

Clerk in attendance : Miss Flora TAI
Chief Council Secretary (2)2

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Ms Joanne MAK
Senior Council Secretary (2)2

Action

I. Meeting with the Administration

The Bills Committee deliberated (index of proceedings attached in **Annex**).

Paragraph 8 of Schedule 2 to BMO

2. The Administration informed members that it agreed to take on members' suggestion that managements committees (MCs) should be required to post the notices (which would specify the resolutions to be proposed) of MC meetings at a prominent place of the building and would move Committee Stage amendments (CSAs) to paragraph 2 of Schedule 2 accordingly. Moreover, the Administration would move a CSA to delete paragraph 3 of Schedule 2 so that the requirement of giving notice of an MC meeting to each MC member at least 7 days before the meeting as specified in paragraph 2 could no longer be waived, even if the MC had decided on the dates and times of such meetings for the whole year by resolution in accordance with paragraph 3.

Admin
Admin

Amendment to the heading of section 28 of BMO

3. The Administration informed members that it agreed to take on members' suggestion that "Obligations" in the heading of the new section 28 (as replaced by section 12 of the Building Management (Amendment) Ordinance 2000) should be substituted with "Matters". A CSA to such effect would be moved.

Admin

Scope of Third Party Risks Insurance for Owners' Corporations (OCs)
[LC Paper No. CB(2)791/06-07(01)]

Action

4. Members noted the Administration's position that, for the reasons set out in paragraphs 2 to 18 of its paper, section 28(1) of the Building Management Ordinance (BMO) should not require OCs to procure third party risks insurance to cover the liability of individual occupiers.

5. Some members including the Chairman and Mr LI Kwok-ying were of the view that, from the perspective of offering the best protection for third parties, the scope of the third party risks insurance to be procured by OCs should cover liabilities arising from all accidents that occurred in the common parts of a building, even in the event that the responsibility actually laid with an individual occupier. Members further considered that, even if it was held by the court that the OC was not responsible for the accident but an individual occupier, the insurance company of the OC should still pay the damages for the OC up to the policy amount. The insurance company could then exercise its subrogation right and recover compensation from the occupier concerned.

6. The Administration informed the Bills Committee that the Hong Kong Federation of Insurers (the Federation) had advised that there might not be any insurance companies which would provide cover to individual occupiers under the third party risks insurance policy procured by OCs, given the fact that it was not feasible to make a risk assessment. Members agreed that the Bills Committee should meet with representatives of the Federation at the next meeting scheduled for 16 January 2007 at 2:30 pm in order to obtain more detailed information from the trade. Members also agreed that Hon Bernard CHAN, Member from the Insurance functional constituency, should also be invited to join the discussion, if possible.

(Post-meeting note: the meeting scheduled for 16 January 2007 at 2:30 pm was cancelled due to unavailability of representatives of the Federation. The Bills Committee subsequently arranged to meet with the Federation on 22 January 2007 at 8:30 am.)

II. Any other business

CSAs to be proposed by individual members

Admin

7. The Administration agreed to provide the final set of CSAs (except for any further CSAs to section 28) on 15 January 2007.

(Post-meeting note: the revised CSAs were provided to the Bills Committee on 15 January 2007.)

Clerk

8. At the Chairman's suggestion, members agreed that individual members who intended to move any CSAs to the Bill should be requested to provide

Action

their draft CSAs to the Clerk by 22 January 2007. The Bills Committee would schedule a meeting to discuss CSAs proposed by individual members, if any. The Chairman directed that meeting venue should be reserved for 25 January 2007 at 8:30 am and 30 January 2007 at 4:30 pm for such purpose.

9. There being no other business, the meeting ended at 10:00 am.

Council Business Division 2
Legislative Council Secretariat
15 February 2007

**Proceedings of the meeting of Bills Committee on
Building Management (Amendment) Bill 2005
on Friday, 12 January 2007, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000416	Chairman Admin	Proposed Committee Stage amendments (CSAs) to paragraph 2 of Schedule 2 to the Building Management Ordinance	Admin to move CSAs (para. 2 of minutes)
000417 - 011725	Chairman Admin Ms Miriam LAU Mrs Selina CHOW Mr LI Kwok-ying Prof Patrick LAU Mr Albert CHAN	Scope of Third Party Risks Insurance for Owners' Corporations (OCs) <i>[LC Paper No. CB(2)791/06-07(01)]</i>	Admin to move a CSA to amend the heading of section 28 (para. 3 of minutes)
011726 – 012226	Chairman Admin Mrs Selina CHOW	Scheduling of meetings with representatives of the Hong Kong Federation of Insurers and for discussion of any CSAs proposed by individual members	
012227 – 012245	Chairman	Date of next meeting	

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Legislative Council Secretariat
15 February 2007